

## PATENT COOPERATION TREATY

REC'D 21 OCT 2005

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

## (PCT Article 36 and Rule 70)

Applicant's or agent's file reference YTE	<b>FOR FURTHER ACTION</b>	
See Form PCT/PEA/416		
International application No. PCT/NL2004/000795	International filing date (day/month/year) 11.11.2004	Priority date (day/month/year) 25.11.2003
International Patent Classification (IPC) or national classification and IPC B65H59/14		
Applicant CATS BEHEER B.V. et al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>sent to the applicant and to the International Bureau</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>		
Date of submission of the demand 30.06.2005	Date of completion of this report 20.10.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Hannam, M  Telephone No. +49 89 2399-	



**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
  - international search (under Rules 12.3 and 23.1(b))
  - publication of the international application (under Rule 12.4)
  - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-13 as originally filed

**Claims, Numbers**

1-14 as originally filed

**Drawings, Sheets**

1/6-6/6 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:  
 the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to sequence listing (*specify*):
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).  
 the description, pages  
 the claims, Nos.  
 the drawings, sheets/figs  
 the sequence listing (*specify*):  
 any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,  
 claims Nos. 14

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):  
 the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 14 are so unclear that no meaningful opinion could be formed (specify):

**see separate sheet**

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.  
 no international search report has been established for the said claims Nos.  
 the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form  has not been furnished

does not comply with the standard

the computer readable form  has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See separate sheet for further details

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

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**Item III**

Claim 14 attempts to characterise the invention through reference to the description and drawings and thus lacks any specific technical features therein. Claim 14 thus lacks clarity according to Article 6 PCT and is excluded from the present examination.

**Item V**

Reference is made to the following documents:

D1: EP-A-0 738 796

D2: US-A-5 190 230

D3: JP-A-06 271197

**Claim 1**

Document D1 discloses a yarn supply apparatus wherein the surface speed of the rotating transfer members (4,5) is greater than the speed at which the yarn (1) is supplied to the transfer members such that the yarn downstream of the transfer members (4,5) has substantially no tension. This is analogous to the first processing phase of claim 1 of the present application. A building-up of equal tension in all yarn strands according to the 3rd processing stage of claim 1 is known from D2, in which the yarn (S) passes over a roller (16) rotating at a surface velocity lower than that of the yarn travel, thus imparting an equal tension to all the yarn strands (S) downstream of the roller (16).

The present claim 1 appears, therefore, to be a simple amalgamation of the known method steps of D1 and D2 in order to firstly eliminate the tension present in an array of yarns and subsequently to establish a desired tension once more. The features of the 2nd processing stage are an essential intermediary of such an amalgamation since, without the presence of features with such a function, the elimination and subsequent re-establishment of a tension could not be adequately isolated one from the other.

The features of claim 1 of the present application are thus considered obvious to one skilled in the art of yarn tension control such that the subject matter of the claim lacks an

inventive step according to Article 33(3) PCT.

**Claims 2-6**

The additional features of these claims concerning the function of the 2nd processing phase are considered to be known from D3 (see the endless belt running over 3 small rollers beneath the roller 4 at the left-hand end of the figure and beneath the roller 10 at the right-hand end of the figure). The function of these features of D3 is equally to isolate the tension giving dancer pulleys (5, 7, 9) from the dancer pulley 3, i.e. exactly the same function as the 2nd processing phase features of the present invention. The features of these claims can thus not be attributed with an inventive step according to Article 33(3) PCT.

**Claims 8-13**

The subject matter of these claims is considered to lack an inventive step (Article 33(3) PCT) for corresponding reasons to those given for claims 1-6, particularly considering the skilled person's ability in dealing with tension control in such apparatus.

**Item VII**

1. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.
2. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D3 is not mentioned in the description, nor are these documents identified therein.

**Re Item VIII**

1. Claim 8 lacks specific technical features in order to characterise the invention and

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thus lacks clarity according to Article 6 PCT. Similarly, claim 12 makes reference in such a general manner to claim 9 that it is unclear which features of the latter claim are to be incorporated into claim 12.

2. The presence of text in brackets in several claims leads to confusion of the reader and should thus be avoided (Article 6 PCT).
3. Page 1 filed under Rule 26 PCT (received 08.02.2005) does not read-on to page 2 as originally filed.